

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SABEIN BURGESS,
Plaintiff,

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Civil Case No. RDB-15-00834

v.

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BALTIMORE POLICE
DEPARTMENT, et al.,
Defendants.

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MEMORANDUM ORDER

Plaintiff's Amended Complaint (ECF No. 141) alleges that his constitutional rights were violated by individual officers of the Baltimore Police Department ("BPD") and pursuant to the BPD's policies and practices. On March 23, 2016, this Court bifurcated and stayed discovery into the claim against the BPD (the "*Monell* claim"). (ECF No. 68.) On November 21, 2017, a jury found that individual Defendant Goldstein violated Plaintiff's constitutional rights. (ECF No. 364.) Plaintiff now moves to re-open discovery into his *Monell* claim. (ECF No. 371.) This Court has reviewed the parties' submissions and no hearing is required. *See* Local Rule 105.6.

Stays of discovery are within the discretion of the Court. *Chandbry v. Mobil Oil Corp.*, 186 F.3d 502, 504 (4th Cir. 1999). This Court finds that discovery into Plaintiff's *Monell* claim at this time would be premature. A *Monell* claim cannot proceed unless an officer is first found individually liable. *Marryshow v. Town of Bladensburg*, 139 F.R.D. 318, 319 (D. Md. 1991). Defendant Goldstein has filed two post-trial motions challenging the judgment against him (ECF Nos. 374, 376), and he may note an appeal depending on this Court's rulings. Because the judgment against Defendant Goldstein is still the subject of litigation, discovery into the *Monell* claim would be potentially wasteful of party and court resources. For the reasons stated above, the Plaintiff's Motion to Re-Open Discovery into Plaintiff's *Monell* Claim (ECF No. 371) is DENIED.

Dated: February 8, 2018

/s/

Richard D. Bennett
United States District Judge